## REMARKS

Claims 1-12 are pending in this application. Claims 1 and 51 have been amended without prejudice and without acquiescence to further define the invention. Support for the amendments can be found in the claims as filed. Claim 52 has been canceled without prejudiced and without acquiescence. The Specification has been amended to delete the hyperlinks embedded in the Specification. No new matter has been added.

The issues outstanding in this application are as follows:

The Specification is objected to under MPEP 608.01 (p) as allegedly containing hyperlinks.

Claims 1-6, 12 and 52 are rejected under 35 U.S.C. §102(b), which the Examiner alleges that the claimed subject matter is anticipated by Maratea et al.

Claims 7-11 are rejected under 35 U.S.C. §103(a), which the Examiner alleges that the claimed subject matter is unpatentable over Maratea et al. in view of Shimol et al.

Claim 51 is rejected under 35 U.S.C. §103(a), which the Examiner alleges that the claimed subject matter is unpatentable over Maratea et al. in view of Boyle et al.

Applicants respectfully traverse the outstanding rejections and objections, and applicants respectfully request reconsideration and withdrawal thereof in light of the amendments and remarks contained herein.

I. The specification is proper.

The Specification is objected to under MPEP 608.01 (p) as allegedly containing hyperlinks. Applicants traverse.

In order to advance the prosecution of the present application, Applicants have amended the specification to delete the hyperlinks without prejudice and without acquiescence. In light of this amendment, applicants respectfully request withdrawal of the objection.

II. 35 U.S.C. 102(b)

Claims 1-6, 12 and 52 are rejected under 35 U.S.C. §102(b), which the Examiner alleges that the claimed subject matter is anticipated by Maratea et al. Applicants traverse.

In order to advance prosecution, Applicants have amended without prejudice and without acquiescence independent claim 1 to indicate that the lysis polypeptide is $A_2$ polypeptide. In view of the pending independent claim 1, Applicants assert that Maratea et al. does not teach each and every element. Nowhere that the Applicants can identify is there any teaching of $A_2$ polypeptide by Maratea et al. If the Examiner continues to maintain Maratea et al. as the basis for this rejection, the Examiner is requested to make of record the passage relied upon, or state for the record that no such teaching can be found in Maratea et al. *See, In re Gartside*, 203 F.3d 1305, 53 USPQ2d 1769 (Fed. Cir. 2000).

In view of the above amendment, applicant believes the pending application is in condition for allowance.

III. U.S.C. 103(a)

A. Claims 7-11

Claims 7-11 are rejected under 35 U.S.C. §103(a), which the Examiner alleges that the claimed subject matter is unpatentable over Maratea et al. in view of Shimol et al. Applicants traverse.

In view of the above arguments and the amendments to independent claim 1, Applicants assert that Maratea et al does not teach each and every limitation of independent claim 1. Thus, if an independent claim is non-obvious under 35 U.S.C. 103(a), then any claim depending therefrom is by definition non-obvious. *In re Fine*, 5 USPQ 2d 2596 (Fed. Cir. 1988). Dependent claims 7-11 depend from independent claim 1 and, thus contain all the limitations of the independent claim and is non-obvious. Thus, a *prima facie* case of obviousness has not been established, and Applicants respectfully request that the 35 U.S.C. 103(a) rejection be withdrawn.

B. Claim 51

Claim 51 is rejected under 35 U.S.C. §103(a), which the Examiner alleges that the claimed subject matter is unpatentable over Maratea et al. in view of Boyle et al. Applicants traverse.

In order to advance prosecution, Applicants have amended claim 51 without prejudice and without acquiescence to remove mraY. Thus, claim 51 relates to murA. Nowhere that the Applicants can identify is there any teaching of murA by either Maratea et al. nor Boyle et al. If the Examiner continues to maintain Maratea et al. and Boyle et al. as the basis for this rejection, the Examiner is requested to make of record the passage relied upon, or state for the record that no such teaching can be found in Maratea et al. and Boyle et al. *See, In re Gartside*, 203 F.3d 1305, 53 USPQ2d 1769 (Fed. Cir. 2000).

In view of the above, Applicants request that the rejection be withdrawn.

## CONCLUSION

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2375, under Order No. 20842/HO-P01886US2 from which the undersigned is authorized to draw.

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Respectfully submitted,

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